

REMARKS

This is a full and timely response to the outstanding final Office Action mailed August 12, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 112, Second Paragraph

Claims 1-8, 10-14, 16-18, and 20-25 have been rejected under 35 U.S.C. § 112, second paragraph, as “failing to set forth the subject matter which applicant(s) regard as their invention.”

Applicant requests clarification on the rejection. In particular, the Examiner has not specifically identified any claims or claim language that is believed to fail to regard Applicant’s invention. Accordingly, Applicant asserts that the rejection is improper.

As a further point, Applicant notes that the Examiner discusses “obviousness” in the rejection. Clearly, 35 U.S.C. § 112 has nothing to do with obviousness. If the Examiner has arguments as to the alleged obviousness of Applicant’s claims, Applicant respectfully submits that the Examiner should present those arguments in the discussion of the rejections under 35 U.S.C. § 103, not 35 U.S.C. §112.

It is respectfully asserted that claims 1-8, 10-14, 16-18, and 20-25 define the invention in the manner required by 35 U.S.C. § 112. Accordingly, Applicant respectfully requests that the rejections to these claims be withdrawn.

II. Claim Rejections - 35 U.S.C. § 103(a)

A. Rejection of Claims 1, 5, 6, 11, 12, 16, 17, 20, and 21-25

Claims 1, 5, 6, 11, 12, 16, 17, 20, and 21-25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Novell’s Breakthrough Language Identifier.

Newbytes (“Newbytes”) or Support your E-Commerce with an E-Center, World Trade v13n7, pp 66-68 (“WorldTrade”) or Talisma Enterprise’s Multiple Language Capabilities Enable Companies to Build Strong Global Customer Relationship, PR Newswire (“Newswire”) in view of either @Once Service Center, Platform to Handle Internet Customer Service, Business Wire (“BusinessWire”) or Mowbray (EP 1024447A2). Applicant respectfully traverses this rejection.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (“USPTO”) has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant’s disclosure.

In the present case, the prior art at least does not teach or suggest all of the claim limitations.

1. Newbytes, WorldTrade, and Newswire

As was identified in the previous Response, each of the Newbytes, WorldTrade, and Newswire references generally disclose a system that is configured to determine a language in which a document, such as an e-mail message, is written through a *language recognition process*. Beginning with the Newbytes reference, disclosed is the following:

Language Identifier is claimed to be the fastest and most accurate engine of its kind, correctly identifying 15 different languages on the basis of as few as three words. It speeds the process of filtering information to appropriate people and enhances the productivity of users who compose text in multiple languages. . . .

In Internet and e-mail applications, Language Identifier can rank messages, query hits and attached document according to the user's language preferences. This offers a valuable filter for any Internet/intranet application.

Turning to the WorldTrade reference, disclosed is:

The ability to improve customer service does, however, come with a new set of challenges for businesses. Infrastructures must be developed to handle high volumes of e-customer traffic and ensure that responses are provided quickly and accurately. One method of organizing this traffic is called "e-mail management system" or EMS. This system uses language recognition to analyze e-mail and route it to the correct agent.

Finally, the Newswire reference states:

Talisma Enterprise's language-based routing capability quickly and seamlessly recognizes and routes foreign language e-mail inquiries directly to customer service representatives (CSRs) who are fluent in those languages.

From the above excerpts, it is clear that none of the Newbytes, WorldTrade, and Newswire references teach or suggest determining a language in which an e-mail

message is written by determining the language of a web-site with which the e-mail message was generated.

2. Applicant's Claims

(a) Claims 1, 5, 6, and 22-23

Applicant's independent claim 1 provides as follows (emphasis added):

1. An e-mail sorting and routing system, the system comprising:

a web server for providing a web-site at which clients generate e-mail messages to a host organization, *the web server being configured to determine the language in which the web-site is written and to append a meta-tag to each e-mail message that identifies that web-site language*; and

a response server *configured to sort the e-mail messages by language through reference to the appended meta-tags*.

In the final Office Action, the Examiner states that each of Newbytes, WorldTrade, and Newswire teach "at least one web server for providing a web-site at which clients generate e-mail messages to the host organization; and at least one response server for sorting said e-mail messages by language (see articles in Newsbytes, WorldTrade, and Newswire articles)." Applicant has reviewed the above-identified articles and finds no teaching of a "web server" at which e-mails can be generated and a separate "response server" that sorts the e-mail messages by language. Applicant requests the Examiner to specifically identify by page and line number where such aspects are taught in Newbytes, WorldTrade, and Newswire. If the Examiner cannot, the rejection fails to teach or suggest this aspect of Applicant's claim.

Later in the final Office Action, the Examiner states that “Newsbytes/ or WorldTrade/ or Newswire disclose sorting the e-mail messages on the basis of language.” While Applicant agrees with this statement, Applicant notes that claim 1 does not merely recite “sorting the e-mail messages on the basis of language.” Instead, as is noted above and as was noted in the previous Response, claim 1 requires determining “the language in which the web-site is written”, appending “a meta-tag to each e-mail message that identifies that web-site language”, and sorting “the e-mail messages by language through reference to the appended meta-tags”. Given that the Examiner does not explain where or how Newbytes, WorldTrade, or Newswire teach or suggest any of those limitations, the rejection fails to state a *prima facie* case of obviousness.

Applicant again notes for the record that Newbytes, WorldTrade, and Newswire do not teach determining “the language in which the web-site is written”, appending “a meta-tag to each e-mail message that identifies that web-site language” or sorting “the e-mail messages by language through reference to the appended meta-tags”. Instead, Newbytes, WorldTrade, and Newswire only teach determining a language in which the *e-mail message* is written through a language recognition process that is applied to the e-mail message.

Later still in the final Office Action, the Examiner states that BusinessWire or Mowbray teach sorting e-mail messages by topic. Applicant notes that this issue is irrelevant as to claim 1 given that claim 1 does not contain such a limitation.

(b) Claims 11, 12, and 24

Applicant notes that the rejection of claims 11, 12, and 24 are improper given that the Examiner has not rejected independent claim 8, from which claims 11, 12, and 24 depend. For at least this reason, the rejection should be withdrawn.

(c) Claims 16, 17, and 25

Applicant notes that the rejection of claims 16, 17, and 25 are improper given that the Examiner has not rejected independent claim 14, from which claims 16, 17, and 25 depend. For at least this reason, the rejection should be withdrawn.

(d) Claims 20 and 21

Applicant notes that the rejection of claims 20 and 21 are improper given that the Examiner has not rejected independent claim 18, from which claims 20 and 21. For at least this reason, the rejection should be withdrawn.

B. Rejection of Claims 2-4, 7, 8, 10, 13, 14, and 18

Claims 2-4, 7, 8, 10, 13, 14, and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Newbytes/ or WorldTrade or/ Newswire in view of BusinessWire or/ Mowbray, and further in view of Ayyadurai (U.S. Pat. No. 6,718,367). Applicant respectfully traverses this rejection.

As is identified above in reference to independent claim 1, the references applied by the Examiner fail to teach or suggest multiple limitations of claim 1. In that Ayyadurai does not remedy those deficiencies, Applicant respectfully submits that claims 2-4, which depend from claim 1, are allowable for at least the same reasons that claim 1 is allowable.

Referring to independent claim 8, claimed is (emphasis added):

8. A method for sorting and routing e-mail messages, the method comprising:

sorting e-mail messages by language by: *determining a language in which a web-site that receives the e-mail messages is written, appending a meta-tag to each e-mail message that identifies the web-site language, and sorting the messages through reference to the language meta-tags*; and

subsequently sorting the e-mail messages by topic by: determining a topic to which each e-mail message applies, *appending a meta-tag to each e-mail message that identifies the topic, and sorting the messages through reference to the topic meta-tags*.

Contrary to that alleged by the Examiner, Newbytes, WorldTrade, and Newswire do not teach any of “determining a language in which a web-site that receives the e-mail messages is written”, “appending a meta-tag to each e-mail message that identifies the web-site language”, or “sorting the messages through reference to the language meta-tags”. Applicant refers the Examiner back to the discussion of claim 1.

As a further matter, none of the applied references teach or suggest “subsequently sorting” an e-mail message including “appending a meta-tag to each e-mail message that identifies the topic”, and “sorting the messages through reference to the topic meta-tags”.

Independent claims 14 and 18 are allowable over the applied references at least for similar reasons as claim 8. Regarding claim 14, none of the references teach or suggest “means for sorting e-mail messages by language by: determining a language in which a web-site that receives the e-mail messages is written, appending a meta-tag to each e-mail message that identifies the web-site language, and sorting the messages

through reference to the language meta-tags” or “means for subsequently sorting the e-mail messages by topic by: determining a topic to which each e-mail message applies, appending a meta-tag to each e-mail message that identifies the topic, and sorting the messages through reference to the topic meta-tags”. Regarding claim 18, none of the references teach or suggest instructions for causing a computer system to: “sort e-mail messages by language by: determining a language in which a web-site that receives the e-mail messages is written, appending a meta-tag to each e-mail message that identifies the web-site language, and sorting the messages through reference to the language meta-tags” or subsequently “sort the e-mail messages by topic by: determining a topic to which each e-mail message applies, appending a meta-tag to each e-mail message that identifies the topic, and sorting the messages through reference to the topic meta-tags”.

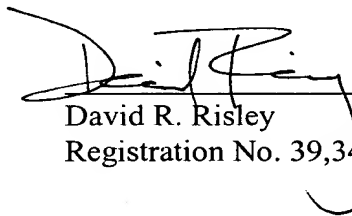
C. Summary

In view of the foregoing, it is clear that a *prima facie* case of obviousness has not been made against Applicant’s claims. Furthermore, none of the applied references teach or suggest all of Applicant’s claim limitations. Moreover, several of the rejections are improper and should be withdrawn or corrected in a subsequent non-final Office Action.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, Virginia 22313-1450, on

9-22-05

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Signature